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6

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,)	No. CR-12-00880 YGR
)	
11 Plaintiff,)	STIPULATION AND ORDER TO
)	CONTINUE MOTION HEARING DATE
12 v.)	TO MAY 9, 2013 AND TO EXCLUDE
)	TIME UNDER THE SPEEDY TRIAL ACT
13)	
14 RODERICK MENDOZA MAGGAY,)	
)	Date: May 2, 2013
15 Defendant.)	Time: 3:00 p.m.
)	
16)	

17 The above-captioned matter is set on May 2, 2013 before this Court for a hearing on a
18 defense motion to suppress that has been fully briefed by the parties. Defense counsel requests a
19 one-week continuance because counsel needs to appear in San Francisco at 2 p.m. on May 2,
20 2013 for a change of plea hearing and will not be in a position to return to Oakland in time for
21 the 3 p.m. hearing before the Court. For this reason, the parties stipulate and agree that it is
22 appropriate to continue this matter one week, until May 9, 2013.

23 The parties further stipulate and agree that the ends of justice served by this continuance
24 outweigh the best interest of the public and the defendant in a speedy trial. The parties agree that
25 the failure to grant this continuance would unreasonably deny defendant continuity of counsel.
26 Additionally, the parties agree that time may be excluded based on the Court's consideration of

1 the pending motion to suppress. Accordingly, the parties agree that the period of time from May
2 2, 2013 until May 9, 2013 should be excluded in accordance with the provisions of the Speedy
3 Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for continuity of defense counsel and
4 pursuant to § 3161(h)(1)(D) based on the Court's consideration of the pending defense motion.
5
6

7 DATED: April 23, 2013

_____/S/
ACADIA SENESE
Assistant United States Attorney

10 DATED: April 23, 2013

_____/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

1 **ORDER**

2 Based on the reasons provided in the stipulation of the parties above, the Court hereby
3 FINDS:

- 4 1. Given that the defense has filed a motion to suppress that has been fully briefed;
5 2. Given that defense counsel is unavailable on May 2, 2013 at 3:00 p.m.; and
6 3. Given the parties agreement that the ends of justice served by this continuance
7 outweigh the best interest of the public and defendant in a speedy trial.

8 Based on these findings, IT IS HEREBY ORDERED that the hearing date of May 2,
9 2013, scheduled at 3:00 p.m., is vacated and reset to May 9, 2013, at 3:00 p.m., for hearing on
10 the pending defense motion to suppress. It is FURTHER ORDERED that time is excluded
11 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), from May 2, 2013 until
12 May 9, 2013, for continuity of defense counsel. In addition, time is excluded pursuant to §
13 3161(h)(1)(D) based on the Court's consideration of the pending defense motion.

14
15 DATED: April 29, 2013


YVONNE GONZALEZ ROGERS
United States District Judge